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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/506,366	02/18/2000	Yoshinori Rokugo	040447/0210	8232

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FOLEY AND LARDNER
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER

MEHRA, INDER P

ART UNIT	PAPER NUMBER
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2666

DATE MAILED: 01/12/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/506,366

Applicant(s)

ROKUGO ET AL.

Examiner

Inder P Mehra

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 18 February 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This is in response to an amendment A dated 10/3/03 which has been fully considered and made of record. Based on this amendment, claims 1-18 have been cancelled. Claim 19-36 have been added. Claims 19-36 are now pending. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL. See MPEP § 706.07(a).**

Specifications

2. The amendment A filed 10/3/03 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

Claim 1 (lines 8 and 12), claim 22 (line 7), claim 27 (lines 11 and 13) recite, “*non-allocated VPI value*” which is not supported by specification. Specification, (page 3 lines 26 and page 5 line 9), recite, “*proper VPI*” and continue to use “proper VPI” throughout specification for subsequent steps of the procedure.

Appropriate correction or clarification is required.

Claim Objections

3. a. Claim 19 recites following limitation, “acquires the identifier” in line 10. It is not clear as to how or where from identifier is acquired. It is not disclosed clearly in the specifications.

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b. Claim 19 (line 7), claim 20 (lines 3-5), claim 21 (lines 3-5), claim 22 (lines 3 and 6), claim 29 (line 5 and 9) and claim 36 (line 5) recite, “a specific VPI value and a specific VCI value” which are preceded by antecedent basis, therefore change ‘a’ to ‘the’, if agreed.

c. Claims 20 (line 3), claim 21 (line 2), claim 23 (line 4), claim 26 (line 4), claim 28 (line 5), claim 29 (lines 7 and 11) and claim 31 (line 5) recite, “the proper VPI”, which lacks sufficient antecedent basis.

d. Claim 19 (line 6), claim 27 (line 3) and claim 35 (line 4), recites limitation, “a user device”. It lacks antecedent basis. It is preceded by “a plurality of user devices” in line 3, which is a group of user devices.

e. Claim 22 (line 10) recite, “an initialization confirmation response means”, Change ‘a’ to ‘the’.

f. Claim 27 (line 3) and claim 35 (line 4) recites, “the identifier”. It lacks antecedent basis.

g. Claim 29 (line 2), claim 31 (line 2) and claim 36 (line 2) recite, “ a plurality of user devices”, change ‘a’ to ‘the’, because it is preceded by antecedent basis.

Appropriate correction/clarification is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 19-22, 24-25, 27-30, 32-33 and 35-36 are rejected under 35 U.S.C. 102(a) as being anticipated by FRAAS et al (DE, PCT No. WO 99/07179, read with associated Chinese Patent Application 0105390.6 (CPEL0050415), hereinafter, CPEL.

For claims 19, 25, 27, 33 35, CPEL discloses, in reference to fig. 1, , “ an ATM network system comprising:

- a network device, (KE);
- a plurality of user devices, (KS);
- wherein said network device receives a first specific ATM cell -----a specific VPI value and a specific VCI value ---identifier----from a user device and transmits a second specific ATM cell -----loaded with the identifier and a non-allocated VPI value (a proper VPI value) -----to said user device, refer to CPEL 'S page 1 lines 1-16;
- said user device acquires the identifier on first connection---and holds the non-allocated VPI value as the specific VCI value when the identifier loaded in the second specific ATM cell is equal to the acquired identifier, refer to CPEL 'S page 1 line 16- page 2 line 3;

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For claims 20, 28, CPEL discloses, “ said user device ----confirmation means for transmitting a third specific ATM cell ----holding the proper value---fourth specific ATM cell ---in its header”, refer to CPEL page 2 lines 8-10;

“ said network device includes a confirmation response means for transmitting the fourth specific ATM cell in response to the third specific ATM cell “, refer to CPEL page 2 lines 10-15;

For claims 21, 24, 29, 32 and 36, CPEL discloses all the limitations of the subject matter including the limitation, “said user device includes an initialization means for initializing the proper VPI value-----fifth specific ATM cell ---loaded with an initializing request on an information field and receiving sixth specific ATM cell -----“; “ said network device ---transmission means----the sixth specific ATM cell in response to said fifth specific ATM cell”, refer to CPEL page 2 lines 16-20.

For claims 22 and 30, CPEL discloses all the limitations of the subject matter including the limitation, “said user device ---initialization confirmation means ---seventh specific ATM cell ----identifier----eighth specific ATM cell --and non-allocated VPI value ----and acquired identifier, refer to CPEL page 3 lines 4-10.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 23, 26, 31 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over **CPEL**, as for claims 19 and 27 above, in view of **Shobatake** (US Patent No. 6,553,014).

For claims 23, 26, 31 and 34, CPEL discloses all limitations of subject matter, including limitation, “the proper VPI value is different from each other -----ATM cell”, refer to CPEL page 3 lines 12-16), with the exception of the following limitations:

- “a number of said user devices connected with a channel of said network device is limited with a prescribed number”, as taught by claims 23 and 31;
- “said network device has VPI value allocation memory table which includes-----VPI values every channel of network device, and flags for indicating whether the proper VPI value is allocated or not, as taught by claims 26 and 34;

Shobatake discloses, “a number of said user devices connected with a channel of said network device is limited with a prescribed number”, **as taught by claims 23 and 31**, (arbitrary number of terminals, refer to col.9 line55-col. 10 line 33) ;

Further, Shobatake discloses “said network device has VPI value allocation memory table which includes----- VPI values every channel of network device, and flags for indicating whether the proper VPI value is allocated or not, **as taught by claims 26 and 34**, (tag table and value of VPI/VCI, refer to col. 1 lines 50-60, col. 40 lines 40-53, (allocated flag, refer to col. 52 lines 26-40).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the capability of holding VPI value allocated by an ATM network device for

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communication by the user devices. The holding of VPI value can be implemented by combining/storing it into the table as taught by Shobatake. The suggestion/motivation to do so would have been to facilitate proper communication and ensure sufficient bandwidth.

Response to Arguments

8. Applicant's arguments with respect to claim 19-36 filed 10.3.03 have been considered but are moot in view of the new ground(s) of rejection.

In response to argument by applicant, "no such corresponding teachings are found in the prior art of record", it is stated that new prior art, as provided in 'IDS' documents, such as, FRAAS et al (DE, PCT No. WO 99/07179, read with associated Chinese Patent Application 0105390.6 (CPEL0050415), hereinafter, CPEL, in view of **Shobatake** (US Patent No. 6,553,014) disclose all the limitations of all the claims, refer to this office action above.

Further, applicant refers to claim 37 in his arguments. There is no such claim as 37. Pending claims are 19-36, refer to 'Remarks' on page 9 of applicant's response in his amendment. Further, applicant argues that claim 35 limitations are not obvious in view of the combined teachings of the prior art. Under new grounds of rejection, limitations of claim 35 are disclosed by CPEL' page 1 line 16-page 2 line 3.

Applicant's arguments regarding claims have been fully considered but they are not persuasive.

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9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

10. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Conclusion

11. Any enquiry concerning this communication should be directed to Inder Mehra whose telephone number is (703) 305-1985. The examiner can be normally reached on Monday through Friday from 8:30AM to 5:00 PM.

If attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Seema Rao , can be reached on (703) 308-5463. Any enquiry of a general nature of relating to the status of this application or processing should be directed to the group receptionist whose telephone number is (703) 305-4700.

12. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

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Washington, DC. 20231

Or faxed to (703) 872-9314.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive,

Arlington, VA, sixth floor (Receptionist).

Inderpal Mehra
Inder Mehra

December 26, 2003

Seema S. Rao
SEEMA S. RAO 12/29/03
SUPERVISORY PATENT EXAMINER
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